CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Akira MAENISHI, et al.			Docket No. L7002.03102
Application No. 10/684,805	Filing Date October 15, 2003	Examiner SPE Cheryl Tyler	Group Art Unit 3749

Invention:

BURNER, HYDROGEN GENERATOR, AND FUEL CELL POWER GENERATION SYSTEM

I hereby certify that this **Response to Office Communication and Statement of Subst. of Interviews**
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on **April 18, 2005**
(Date)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors:	Akira MAENISHI, et al.	Art Unit: 3749
Appln No.:	10/684,805	Exr. J. Barrow
Filed:	October 15, 2003	
For:	BURNER, HYDROGEN GENERATOR, AND FUEL CELL POWER GENERATION SYSTEM	

RESPONSE TO OFFICE COMMUNICATION AND STATEMENT OF SUBSTANCE OF INTERVIEW

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

Attn. SPE Cheryl Tyler

Sir:

Telephone interviews were conducted with Examiner Barrow on March 17, 2005 and April 11, 2005. The undersigned attempted to reach SPE Cheryl Tyler on numerous occasions after the initial March 17 interview, but repeated phone calls were never returned.

The following is a summary of the substance of the telephone interviews of March 17, 2005 and April 11, 2005.

The Office Communication dated March 15, 2005, alleges that "it is not clear which Group Applicant has elected since the claim to the elected invention has been canceled." (emphasis added) In other words, the Restriction Requirement of August 23, 2004 identified claim 17 as directed to Group 2, and the Office Communication notes that claim 17 directed to Group 2 was canceled.

But the Office Communication has overlooked the fact that amended claim 1 is now identical to original (canceled) claim 17 and thus it, and claims 2-16 dependent therefrom, are directed to elected Group 2.

The statements in the Office Communication lack any merit on several levels, as will be apparent from the points set forth below.

(1) Pending claim 1 has been amended to recite *all* of the elements of original claim 17. This is why claim 17 was canceled in the Amendment of December 9, 2004. Thus, pending claim 1 is indentical to original claim 17. Claim 1 and claims 2-16 dependent therefrom are directed to elected Group 2.

(2) By a clear statement at page 9 of the December 9, 2004 Amendment and Response, the Applicants have elected Group 2 and identified claims 1-16 as directed to the elected Group 2, by stating that:

> "the Applicants hereby reiterate their election of Group II, drawn to a hydrogen generator, with traverse. Claims 1-16 are amended herein to recite a hydrogen generator including, *inter alia*, a reformer in accordance with the comments at page 2 of the Examiner-Initiated Interview Summary."

(3) It is the responsibility of the Office to determine whether the elected claims 1-16 are in fact directed to the elected

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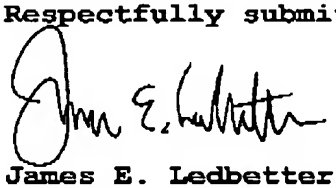
Group. Instead of fulfilling this duty, the Office has refused to make such determination, but rather has merely alleged in the present Office Communication that it is "unclear" which Group Applicants have elected, despite their clear election noted above and the fact that amended claim 1 recites all elements of original claim 17.

(4) Here, it is apparent the Office has not even cursorily reviewed claims 1-16 to determine if they are directed to Group 2, because claim 1, as amended, and claim 17 recite all the same elements. Claims 2-16 are dependent from claim 1, and thus are also directed to the elected subject matter.

Accordingly, withdrawal of the Office Communication of March 15, 2005 is respectfully requested. Further, a written communication recognizing that claims 1-16 are directed to elected Group 2, and an office action on the merits of claims 1-16 is respectfully requested.

Respectfully submitted,



Date: April 18, 2005

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